

12/20/04

My name is Mati Waiya and I am the Executive Director of Wishtoyo Foundation and Ventura Coastkeeper of the International Waterkeeper Alliance. I am also a traditional CA Native American of the local Chumash nation in Ventura County. I just returned from Australia by way of an invitation by my Waterkeeper Alliance affiliate Greg Hunt, Australia Waterkeeper National Manager. Greg arranged for me to meet with BHP Billiton (BHPB), Aboriginal community leaders and environmental representatives in Australia to study the working relationships already established with BHPB. My purpose for this trip to Australia was a fact-finding mission. The proposed Cabrillo Port LNG facility is a complex issue. Some of my concerns were addressed, and some were not. Not for the unwillingness of BHPB to share information, but due to the early phase of the potential project. During the lengthy and intense meetings I had with BHPB, they shared information about their past and current on-going projects in other countries and in Australia. They shared their business practices with respect to environmental and community impact, site selection processes and cultural protection management plans. I was mindful that the projects I was studying with BHPB differed from Cabrillo Port in that we are not considering gas plant impacts on our shores. We would be a receiving mechanism for LNG. My itinerary while I was there is listed below:

**Tuesday, December 7, 2004**

- Meeting with Edward Pinceratto, BHPB Manager, HSE&C (Health, Safety, Environment and Community) @Melbourne VIC. Three-hour road trip to Minerva Gas Plant. Upon arrival at the Minerva gas plant; we toured the facility
- Met with Aboriginal leaders, Framlingham Aboriginal Trust; Jeremy Clark (Administrator) and Neil Martin; discussed their working relationship with BHPB and Aboriginal issues with respect to heritage sites and the heritage title act in Australia.

*Minerva Gas Plant; Panmure VIC*

*L-R: Neil Martin, Jeremy Clark, Mati*

**Wednesday, December 8, 2004**

- 12:15 pm flight to Perth Australia
- BHPB Health, Safety and Environment (HSEC) Presentation
  - Presenters:
    - Neil Croker, BHP Billiton Vice President, Pilbara LNG
    - Phil Sinel, HSE Team Lead
    - Francis Baronie, HSEC Team Leader
    - Nayrel Dallywater, Conservation Liaison Officer of Dallywater Consulting

**Thursday, December 9, 2004**

- Presentation by Indigenous Affairs Programs @BHPB
  - Presenter:
    - Louie Warren, Manager, Aboriginal Affairs, BHP Iron Ore
- Meeting with State Indigenous Affairs Programs:
  - Meeting Attendees:
    - Greg Hunt, Australia Waterkeeper National Manager
    - Louie Warren, Manager, Aboriginal Affairs, BHP Iron Ore
    - Chris Cottier, Director of Policy and Coordination
    - Dr Madge L Schwede, Senior Heritage Officer. Discussed Aboriginal native title rights and laws in Australia and the heritage act among other topics of concern including work history with BHPB
- Meeting with the Office of the Premier, Western Australia:
  - Meeting Attendees:
    - Greg Hunt, Australia Waterkeeper National Manager
    - Michael Bennett, Principal Policy Officer (equivalent position to Terry Tamminen/State Cabinet Secretary in the states)
    - Juliet Gisbourne, Principal Policy Advisor

**Friday, December 10, 2004**

- Meeting with BHP Billiton Iron Ore – Pilbara.
  - Presenters:
    - Stedman Ellis, Vice President, External Affairs, BHP Iron Ore
    - Gavin Price, Manager, Environmental Sustainability, BHP Iron Ore
    - Anthony McMullen, HSE Advisor, Pilbara LNG Development
    - Ian Mumford, Manager Business Development
- Sustainability Presentation
  - Presenter:
    - Jim Singleton (author of Hope for the future, The Western Australia State Sustainability Strategy), Director of Sustainability, Department for Planning and Infrastructure, Government of Western Australia

**Sunday, December 12, 2004**

- Four-hour road trip to Marlo, near the eastern tip of Victoria, near the New South Wales (NSW) border to meet with Robert Cuane, Snowy River Estuarykeeper
- Briefing: Current environmental issues threatening the Snowy River by Santos gas plant

**Monday, December 13, 2004**

- Met with Moogji Aboriginal Council in East Gippsland:

- o Meeting Attendees:
  - Greg Hunt, Australia Waterkeeper National Manager
  - Chris Allen, CEO, Moogji Aboriginal Council
  - Christine Milliken, Office Manager
  - Uncle Albert Mullet, Gunnai/Kurnai Aboriginal Elder
  - Barry, Heritage Coordinator, *among others*

*L-R: Mati and Aboriginal Elder Albert Mullet, Gunnai/Kurnai*

**Tuesday, December 14, 2004**

- Meeting @BHPB, Melbourne Australia:
    - o Meeting Attendees:
      - Greg Hunt, Australia Waterkeeper National Manager
      - Dr Malcolm Garratt, Vice President of Global External Affairs
      - Ian B Wood, Vice President of Sustainable Development
      - Liz Krien, Communications Manager of Energy Coal Operations.
- Discussed at length mining in Columbia, Peru, Papua New Guinea-OK  
Tedi project, and proposed LNG plant in Ventura County

During these meetings/presentations, I was presented with about 30 pounds of pamphlets, books, CDs, brochures, informational packets, and cultural agreements and management plans with Aboriginal communities, which makes for more research for me to do now that I'm back in the states.

**Observation:** BHPB invests in community building; they have found that it behooves them to do so. They shared examples of their win-win mantra. If the community they operate in thrives, so does their operations. In fact, in my opinion, BHPB may do more for the Aboriginal communities in rural areas of Australia than the Australian government does, by way of their hiring practices and training programs.

**Observation:** BHPB presented their core values and operational policies. They claim that their business practices are not compromised regardless of where in the world they operate. They claim that mandatory BHPB ethical business practices they employ in Australia are exercised whether the country they are working with requires it or not.

**Observation:** Properties of LNG explained in a LNG fact sheet given to me by BHPB. It explains that LNG is not LPG; LNG is only flammable under a set of very specific conditions, as a liquid, LNG is not explosive and LNG has a safety record with more than 33,000 carrier voyages around the globe without a major accident over LNG's 45 year history. LNG has been traded throughout the world for more than 40 years.

In conclusion, it would take more than this document to share all my thoughts and learned facts on this mission. I felt I met my objective. I did not set out to become an expert in the field of mining or LNG gas plant operations. I wanted to get some clarity, meet the subject matter experts, and obtain points of contact with expertise that will be vital as I consider Cabrillo Port in my community. I realize that the presentations and meetings I participated in were designed to give me the best-case scenario. I was only looking for 'facts', and felt I accomplished my goal. Tons of information they gave me still needs to be perused and studied as far as I am concerned.

My personal opinion and perhaps position thus far is that I am intrigued. I think the future could benefit from a cleaner source of energy. Sometimes a good thing is not always perfect. In a perfect world, we would not be dependent on impacting the resources of our environment and habitat to support our way of life. However, the world is not perfect. When I observed mining for coal versus drilling for gas, I was shocked at the impact of the mining operations, which affords us cheaper energy. The scar on the land is devastating. I would opt for the least impact to the environment. Many would say that alternatives to LNG are achievable, but I don't see a serious effort in that direction. If there were viable alternatives available right now, perhaps I would not be commenting on this topic at all. There would be no question in my mind. Do we need LNG to address population growth? I often hear this question. And the truth is, the answer depends on whom you are talking to.

More research needs to be done. BHPB impressed me with their honesty (they shared horror stories as well as successes), for their relationships with indigenous people (gave me contact names if I want to investigate further on my own) and their willingness to invest in the communities they operate in. Aboriginal community leaders Uncle Albert and Jeremy Clark who have first hand working knowledge with BHPB had no bad words for their working relationship with them.

Again, more research needs to be done. I recognize the need to review and consider the comments on BHPB draft EIS/EIR from local state, environmental and community groups who have valid concerns. In order for me to feel confident in supporting this potential project, these concerns would have to be addressed. There has to be a tracking mechanism that all state and federal laws are adhered to and that the promises BHPB makes to the community with respect to health, safety, cultural and environmental impacts are honored and perhaps monitored by neutral third-party agencies. As I write this, I have my attorneys perusing the documents that BHPB and the State Aboriginal Indigenous Affairs generously gave me during my fact-finding mission to Australia.

G410-1

G410-1

In accordance with NEPA and the CEQA regulations, the lead Federal and State agencies have responded to all comments, both oral and written, received during public comment periods that concern the Project's environmental issues. All comments and responses are included in the EIS/EIR.

The lead agencies share the responsibility to ensure that mitigation measures are implemented. Table 6.1-1 in Chapter 6 is the basis for the Mitigation Monitoring Program, which would be implemented to ensure that each mitigation measure is incorporated into Project construction, operation, and maintenance activities.





Source:  
USCG Docket

Date: 12/20/04

2004/G411

To: Ken Kusano (G-MSO-5)  
2100 Second Street, S.W.  
Washington, D.C. 20593-0001

Cy Oggins  
California State Lands Commission  
100 Howe Ave, Suite 100-South  
Sacramento, CA 95825-8202

From: Mati Waiya  
Executive Director, Wishtoyo Foundation

Date: December 20, 2004  
Re: Cabrillo Port Liquefied Natural Gas Deepwater Port Draft EIS/EIR  
Cultural Resources Section

While the Cabrillo Port LNG Draft EIS/EIR is more thorough than most EIS/EIRs in its treatment of cultural resources, it is still an incomplete effort. In order to avoid a potential disaster akin to that of the recent atrocities at Playa Vista, California where over 400 Native American graves were desecrated and destroyed do to lack of planning or adequate consultation with Tongva people, it would be wise for the lead agencies to engage in a much more thorough cultural resource review prior to full approval of the project. The ocean and particularly the coastline are often vitally important in the cultural and spiritual traditions of coastal Native American tribes. The Chumash were a maritime culture. Their boats - canoes, called tomols, enabled them to fish and trade, traveling up and down the coast to other villages. Given the important role the ocean played and continues to play in Chumash culture, it is no surprise that the coastline contains many submerged Chumash villages. The fact that the coastline contains many such cultural resources makes proper consultation efforts even more crucial.

As the EIR states, "Cultural resource impacts also include impacts on Native American values. A significant impact on Native American values consists of any adverse effect on a prehistoric or historic archaeological site or resource of ethnic/cultural significance. Contemporary Native American resources or ethnographic resources may include archaeological resources, rock art, and prominent topographical areas, features, habitats, plants, animals, and minerals that contemporary Native Americans value and consider essential for the persistence of their traditional values."<sup>1</sup> Therefore, consultation with Native American people should be of the utmost importance in identifying important cultural sites, evaluating the likely impacts of the project on the sites, and determining the most appropriate mitigation measures.

#### Issues of Particular Concern Regarding Cultural Resource Section of EIS/EIR

*Section 4.9.1.2 Background Information, pg. 4.9-3, Lines 15-18*

Wishtoyo Foundation objects to the suggestion that the fact that "the ethnographic record on the Chumash is incomplete" means that there was "rapid acculturation/enculturation" among the Chumash as this sentence implies that the Chumash people were unable to maintain any aspects of their culture, which is misleading and untrue.

<sup>1</sup> Cabrillo Port Liquefied Natural Gas Deepwater Port Draft EIS/EIR, Section 4.9.

G411-1

Section 4.9.1 describes the Native American Consultation process.

G411-2

The text in Section 4.9.1.2 has been revised.

G411-1

G411-2

*Section 4.9.1.2 Background Information, Euro-American History, Ventura County/Oxnard, pg. 4.9-4, Lines 10-12*

Wishtoyo Foundation objects to the statements that, "European colonization effectively ended the traditional Chumash lifestyle," and, "By 1900 very few full-blooded Chumash remained." Wishtoyo objects to the first statement on the grounds that it is incomplete and misleading. While European colonization certainly had a devastating impact on Chumash people and on all California Indians, the statement is misleading because it does not acknowledge the fact despite serious threats to their lives, many Chumash people and families continued to carry on their traditions in secret and thus aspects of Chumash traditional lifestyle have been carried through to today.

We object to the second statement regarding "full-bloodedness" because it is racist and misleading. The term "full-blooded Indian" as used in this context reflects racist stereotypes initially imposed by the colonizer to erase Indian existence through the implementation of various blood quantum laws that were designed to externally limit who would and would not be considered Native American. The Chumash people accepted the child of a Chumash person as Chumash, not as a "full" or "half" Chumash. Additionally, though the statement does not go so far as to say that without any "full-blooded Chumash" there can be no surviving Chumash culture, such is the implication of the statement. Finally, how many "full-blooded" Chumash remained in 1900 is not something that can be determined with any sort of real or legitimate accuracy in 2004. Therefore this statement should simply be eliminated from the report.

*Section 4.9.1.3 Literature Reviews and Surveys, Native American Survey, pg. 4.9-11*

While contacting the Native American Heritage Commission is an important step in the process of determining whether a development project is likely to impact Native American cultural resources, this act alone is insufficient. Given the fact that many Native American people are highly reluctant to share cultural and sacred knowledge with outsiders, it is often the case that sites of great importance to a tribe will not be recorded on any list, or indeed even revealed at all, unless the site is directly threatened.

*Section 4.9.1, pg. 4.9-15, Lines 2-5*

Given the importance of adequate consultation with Native Americans to a successful project, it is equally important that the details of consultation efforts—how many people were consulted, the length and extent of the interviews conducted, whether they were conducted by individuals with experience interviewing Native Americans about important traditional cultural knowledge, what efforts were made to outreach to Native Americans in the area to let people know about the preparation of the project report, etc.—be explicitly articulated so that the consultation efforts may be accurately evaluated. Before we can determine whether or not the consultation efforts already undertaken have been adequate we must have a full understanding of exactly what those efforts entailed.

*4.9.4.2 Onshore/Offshore Impact Cultural-2: Native American Values, pg. 4.9-20, Lines 30, 32*

Wishtoyo Foundation objects to the use of the term "Ventura Chumash descendants." Any "descendant" of the Ventura Chumash should simply be referred to as Ventura Chumash. The term "descendant" implies that those individuals consulted were not real (perhaps "full-blooded") Chumash, but rather only their descendants. This implication is insulting to all Chumash people alive today.

*4.9.4.2 Onshore/Offshore Impact Cultural-2: Native American Values, pg. 4.9-21, AMM Cul-2b Native American Values*

Should specify that curation of artifacts recovered from archaeological sites be conducted only at a facility that is approved by the appropriate Native American persons, organizations, or tribes.

G411-3

G411-3

The text in Section 4.9.1.2 has been revised.

G411-4

G411-4

The statement has been deleted from the discussion in Section 4.9.1.2.

G411-5

G411-5

See response to Comment G411-1.

G411-5

G411-6

The term "descendents" is no longer included when referring to Ventura Chumash in Section 4.9.1.2.

G411-6

G411-7

Section 4.9.4 under Impact Cultural-2 has been revised.

G411-7

## Recommendations

### *Adequacy of Consultation & Proposed Mitigation Measures Generally*

Again, in order to make a fully-informed determination as to whether consultation efforts to date are sufficient to represent the concerns of Chumash people, we must first know the details of current consultation efforts. Given the fact that Chumash people interviewed to date have, by the report's own admission, expressed concern over the possibility that important cultural sites might be impacted by the project, it is extremely likely that additional consultation efforts will need to be undertaken prior to the preparation of the final report.

The Wishtoyo Foundation makes the following general recommendations regarding this project:

1. The specific details of Native American consultation efforts should be disclosed.
2. A more thorough consultation effort with Ventura Chumash people should be undertaken prior to the preparation of any final document.
3. The report should specify that any archeologist working on the project meet the approval of the local Chumash community.
4. The report should specify that all Native American monitors must be from the tribe whose cultural resources are being impacted.
5. The report should specify that all cultural resource management plans will only be developed in on-going consultation with the relevant tribes, tribal organizations, and Native American people.
6. The adequacy of proposed mitigation measures for impacts to Native American Values should only be determined after the appropriate consultation has taken place.

In conclusion, the Wishtoyo Foundation looks forward to the opportunity to work with the lead agencies in their efforts to prepare a more thorough cultural resources review for the Cabrillo Port LNG Deepwater Port EIS/EIR. Please feel free to contact our office if you have any further questions.

Sincerely,

Mati Waiya  
Executive Director, Wishtoyo Foundation

G411-8

G411-9

G411-10

G411-11

G411-8

See response to Comment G411-1.

G411-9

Section 4.9.4 discusses cultural resources impacts and mitigation. Impacts CULT-2 and CULT-3 in Section 4.9.4.2 discuss archaeological monitoring and Native American monitoring.

G411-10

Section 4.9.4.3 discusses the cultural resources management plan, which was developed pursuant to NEPA, the CEQA, and local cultural resources guidelines to address unanticipated discoveries. An Unanticipated Discovery Plan (AM CULT-3b) has been developed and would have to be approved by State Historic Preservation Office.

G411-11

Local cultural resource guidelines and criteria have been incorporated into the Unanticipated Discovery Plan, which is required under Federal law and must be approved by the State Historic Preservation Office. No impacts are anticipated for cultural resources; therefore, no mitigation measures have been specified. Native American monitors would be present at the construction site should Project-related activities disturb potential archeological sites.





Comment Form—Cabrillo Port LNG Deepwater Port draft EIS/EIR

Name (Please Print): CASEY WALKER  
Organization/Agency: TRUE MAJORITY / ACLU FORWARD  
Street Address: 5540 W 5TH ST #144  
City: OXNARD State: CA Zip Code: 93035  
Email address: DEBAUCHEES (A) AOL.COM

Please provide written comments in the space below and drop this form into the comment box.

You may also submit comments

- Electronically through the Project Web site at <http://www.cabrilloport.ene.com>
- Electronically through the Docket Management System Web site (docket number 16877) at <http://dms.dot.gov>.
- Or by mail or email to following addresses:

Docket Management Facility  
Room PL-401  
400 Seventh Street SW  
Washington, DC 20590-0001

California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825  
[ogginsc@slc.ca.gov](mailto:ogginsc@slc.ca.gov)  
Attention: Cy Oggins

All comments must be received by 2 p.m. PST, December 20, 2004

Comments (Use other side or attach additional sheets if necessary): IT IS  
NECESSARY FOR YOUR REPORT  
TO INCLUDE THE NUMEROUS  
PENDING PROJECTS, RESIDENT  
AND INDUSTRIAL, FROM OXNARD  
PLANNING COMMISSION, OR DELAY  
UNTIL 2006 FOR ACCURACY,  
POPULATION CENSUS, GROWTH,  
SEE ATTACHMENTS

No action will be taken until the environmental review process is completed.

G483-1

Section 4.20 considers new residential, commercial, and industrial developments in Oxnard. The section has been updated to include all known proposed developments at the time of publication.

G483-1

CASEY WALKER, JAMES SOVEREIGN  
5540 WESY FIFTH STREET  
OXNARD, CA. 93035  
(805) 985-3799

### LAUGH AT LNG

LIVING IN RAIN-SOAKED WASHINGTON MOST OF MY LIFE, ON THE EDGE OF FRONTIER SOME OF THAT TIME, I LONGED FOR A SUNNY COASTAL CALIFORNIA RESIDENCE. IN 1990, AFTER A LONG, HURTFUL WINTER, ICE FORMING ON THE BAY AND ICICLES FROM EAVE TO LAWN, OUR FAMILY, BLOOD MONEY IN HAND (FROM A 7 YEAR LEGAL, MEDICAL MALPRACTICE SETTLEMENT) SETTLED IN OXNARD.

MY DESIRE TO BE CLOSE TO L.A., WITHIN REASONABLE DISTANCE, WE STARTED IN SAN DIEGO AND DROVE NORTH, FOUND A MOBILE HOME PARK ON THE BEACH, OXNARD SHORES, AND SLAPPED DOWN 90K.

NO "DREAM COME TRUE", MY HUSBAND SUFFERED FROM PTSD FOR HIS SERVICE IN VIETNAM, AND WITH CHRONIC PAIN, MENTAL AND PHYSICAL, IT WAS NO "BEACH PARTY". OUR SON'S DIAGNOSIS WITH A PITUITARY TUMOR TOOK HIM TO THE EDGE, HE TOOK HIS LIFE AT THE WEST LA VA HOSPITAL.

MY SON AND I SURVIVED, MY MOTHER PASSED AWAY IN 2001, AND OUR AGING MOBILE HOME WAS REPLACED BY A NEW MANUFACTURED HOME WITH, YOU GUESSED IT.

I'M NO "PITY WHORE", JUST FEEL IT'S NECESSARY TO INFORM EXACTLY "WHERE WE'RE COMING FROM". EXCUSE US FOR TRYING TO PROTECT OUR SPACE.

WE FOUGHT THE OXNARD PLANNING COMMISSION WHEN THEY WANTED TO DUMP "DIRT" ON OUR BEACH WITH DOUBLE-AXLE SEMI'S, ONE EVERY 20 MINUTES, 7:00AM TO 4:00 PM, FOR 5 YEARS, REPRESENTED AS A "COASTAL EROSION SOLUTION".

WE HAVE CONTINUED THE FIGHT AGAINST THE NUMEROUS "HOUSING DEVELOPMENTS", ALONG HARBOUR STREET AND UP GONZALES, DOWN WOOLEY, THAT RESEMBLE "SIBERIAN PRISONS", WITH ROWS OF TINY, BLACK WINDOWS APPEARING VACANT. VIRTUALLY REDESIGNING OXNARD TO LOOK JUST LIKE SAN BERNADINO FROM THE FREEWAY. HOLD ON, THE PLANNING COMMISSION HAS MANY PENDING PROJECTS TO COME!

IF YOU DON'T LOOK FAST AS YOU DRIVE 60+MPH ON HARBOUR, YOU MIGHT MISS THE SIGN ABOUT THE "GAS SWEETENING FACILITY" (I THINK I CAN TASTE THAT) PROPOSED NORTH OF THE POWER PLANT. OR A MEETING TO EXPAND CAPACITY AT THE OXNARD AIRPORT...

SO WHY NOT LNG! LET'S THROW A VOLITAL PIPE LINE RIGHT THROUGH THE MIDDLE OF THESE OVERCROWDED RESIDENTIAL, INDUSTRIAL PENDING PROJECTS. COME ON NOW, LAUGH, OUR "LITTLE TOKYO", JUST NORTH OF L.A. EXCUSE US IF WE GO A LITTLE "CARNIVAL CRAZY".

BUT THEN, THE ADVOCATES? MIGHT POSSIBLY THINK THEIR GAS BILL WILL GO DOWN. I GUESS THAT'S WORTH IT TO THEM, EVEN THOUGH THEY COULD BE WITHIN THAT "30 MILE RADIUS"?

WHAT A SCENIC SITE WE'LL BOOST, WITH A CONSTANT "TOXIC FOG" FILTERING THAT HARSH SUNSHINE ON OUR OVER-CROWDED BEACHES.

DON'T WORRY ABOUT OUR GOVENOR, WHOSE PROMISE OF "NO SPECIAL INTEREST" INCLUDES CHAPERONED EXCURSIONS TO KOREA FOR OUR STATE LANDS COMMISIONERS TO VEIW. OR THE TESTIMONY OF AN OXNARD CITIZEN, WHO, THROUGH TEARS AND BROKEN ENGLISH, BRAVELY STOOD UP AT THE MARCH LNG MEETING TO ACCUSE CITY OFFICIALS OF POCKETING CHECKS FROM BTL.

DON'T WORRY ABOUT TERRORISM, OUR COASTGUARD, ALSO DOING THE EPI/EIR, WILL PROTECT US. AN 18 YEAR OLD WILL POINT THAT WEAPON, BLOWING THE "SEEMINGLY SUSPICIOUS, THREATENING AIRCRAFT" RIGHT OUT OF THE SKY, POSSIBLY INTO YOUR LIVING ROOM.

SO, TIM RILEY, DIEDRE FRANK, EVEN ELECTED (POSSIBLY BACK-TRACKING) POLITICIANS, AND ANYONE WHO HAS THE "GUTS" TO STAND UP AND "JUST SAY NO" IS THE "THINKING MACHINE" OXNARD AND ALL THE CALIFORNIA COAST NEEDS. ONCE IT'S HERE, THERE'S NO GOING BACK, THE BIG PROBLEM WITH OFF-SHORE LEASES.

G483-2

G483-3

G483-2

Section 4.2.3, the Independent Risk Assessment (Appendix C1), and the Sandia Review of the Independent Risk Assessment (Appendix C2) contain information on this topic.

Sections 4.2.2, 4.2.6.1, and 4.2.7.6 contain information on the potential threat of a terrorist attack.

G483-3

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Section 2.8 discusses Project decommissioning.



G483-4

Attachment A appears to be a copy of an e-mail message sent to the ACLU about a meeting that took place in Oxnard regarding another project.

DEAR MR. RAMONA, I ATTENDED THE SECOND MEETING TO PROTEST A LIQUID NATURAL GAS PROJECT LESS THAN 15 MILES FROM MY HOME ON OXNARD SHORES. A LICENSE APPLICATION HAS BEGUN THE ENVIRONMENTAL IMPACT PROCEEDURES FOR A DEEPWATER PORT. IT IS OBVIOUS THE LOCAL CITY GOVERNMENT HAS AND IS ACTIVELY SEEKING TO MAKE THIS AREA A GARBAGE DUMP FOR THEIR REVENUES, SPECIFICALLY TARGETING THIS VERY SMALL COMMUNITY OF SENIOR CITIZENS, BLUE COLLAR WORKERS, AND LATINO MINORITIES (80%). THIS MEETING WAS ONLY PUBLICIZED WITH A SMALL NEWSPAPER AD, AND 1,000 FLYERS SENT TO AREA RESIDENTS, (NONE TRANSLATED) HAVING RECIEVED ONE BECAUSE OF PREVIOUS ATTENDANCE.

OXNARD CITY PLANNERS AND COUNCIL HAS ATTEMPTED TO PUSH THROUGH NUMEROUS PROJECTS, ALLOWING THE BUILDING OF LARGE HOUSING TRACKS, (MOST OF WHICH SIT EMPTY) INTICING INDUSTRIAL BUSINESS, DUMPING CONSTRUCTION DIRT ON OUR BEACH AS SUPPOSED BEACH EROSION PREVENTION, AND NOW THIS VERY DANGEROUS LNG PROJECT.

ATTENDING THIS MEETING, LESS THAN A HUNDRED LOCAL RESIDENTS, WE WERE ALLOWED TO SPEAK FOR THREE MINUTES ABOUT OUR CONCERNS. THE OBVIOUS CONCERNS WERE EXPRESSED FIRST, THEN SLOWLY MOVED TO THE EMOTIONAL ISSUES OF TARGETING SENIOR CITIZENS AND A LATINO COMMUNITY FOR THE SMALLEST VOICE OF OPPOSITION. WHY WAS NOTHING TRANSLATED, ADVERTISED IN THE LATINO NEWSPAPERS?

A WOMAN BEGAN HER SPEECH IN SPANISH. THE COURT REPORTER STOPPED, HANDS FOLDED IN THE TABLE. HER EMOTIONAL PROTEST, I COULD HEAR THE NAMES OF COUNCIL AND CITY GOVERNMENT, "DINERO! DINERO!" NOT UNDERSTANDING MUCH SPANISH, I DO KNOW THAT MEANS "MONEY". THEN, IN ENGLISH, SHE BRIEFLY EXPLAINED THAT OUR LOCAL GOVERNMENT HAD RECIEVED CHECKS FROM BHP BILLITON LNG INTERNATIONAL, INC.

WE FEEL HOPELESS AGAINST THIS HUGE COMPANY, LOCAL GOVERNMENT, AND FEDERAL AGENCIES. SPECIFICALLY IGNORING THEIR ENVIRONMENTAL JUSTICE GUIDELINES, "POTENTIAL DISPROPORTIONATE EFFECTS ON MINORITY AND LOW-INCOME POPULATIONS WITHIN THE PROJECT AREA.

I WILL COPY AND SEND YOU THE INFORMATION WE WERE GIVEN AT THE MEETING. THANK YOU FOR ANY HELP.  
CASEY WALKER  
5540 WEST FIFTH STREET #144  
OXNARD, CA 93036  
(805) 986-3799

E-MAIL / ACLU

Attachment B is an excerpt of the transcript from the public scoping meeting held in Oxnard on the evening of March 15, 2004. Section 1.5.2 and Table 1.4-1 contain a summary of the scoping comments.

1 Also, I'd like to offer the people involved in  
2 the process that we have a public television here, so if  
3 there is any materials that we can assist you in  
4 simulating any information, certainly that is available  
5 to you. Particularly, if you have any materials in  
6 Spanish, because I think the statements have been made  
7 that there's a deficit of materials in Spanish. There's  
8 also several publications here in the city of Oxnard  
9 that are for Spanish-speaking people. I know that you  
10 probably had to have some legal notices in the  
11 newspapers, but there are vehicles available here so you  
12 can do that. Thank you very much.

13 MR. MICHAELSON: Go ahead.

14 THE WITNESS: Good evening, again.  
15 John Hazeltine. One thing I would like to add is what  
16 type of testing, environmental testing or stress testing  
17 or whatever will take place on all of the piping,  
18 fittings, valving, whatever else is involved in the  
19 safety issues? And will this information and the type  
20 of test, will that be included in your report of the  
21 EIS/EIR? I think that requirement is necessary for us  
22 to understand part of the safety of that, that we'll go  
23 into if this is approved, thank you.

24 THE WITNESS: I'm Bodine Aline and you have my  
25 signature card from this afternoon. I went back to my

Page 69

DEVINE-HALL & ASSOCIATES \* (805) 658-2777

WWW.SLC.CA.GOV  
MARCH 15, 2004

1 real estate office and got very nervous about this  
2 disclosure issue and I showed your map to a few of my  
3 associates and there's a great concern that you  
4 understand probably the economic benefit to the  
5 proponents of this, but really the catastrophic events  
6 on the property values in this city and especially on  
7 the coastal properties. I have brought you a typical  
8 natural hazardous disclosure that we have to provide to  
9 buyers in the area. It's very clear that we are in a  
10 seismic hazard zone and we are subject to liquefaction.  
11 I assume that would be a huge issue with placement of a  
12 facility out at sea, an experimental facility out at  
13 sea. I would like to pass this onto you and I know  
14 generally I think you heard we are all against this, but  
15 the economic impact is going to be catastrophic for this  
16 city.

17 THE WITNESS: Unfortunately, we have some other  
18 city council in our city, some of the supervisors in  
19 Ventura County that are receiving monies from these  
20 companies, they're selling our city, they're selling the  
21 people, what kind of people are representing us? Who is  
22 looking after our city and this is what these companies  
23 are doing. I know for a fact that Mr. John Flynn, a  
24 supervisor of Ventura, he received a check and he sent  
25 it back to them. But I heard of others like the city

Page 70

1 staff, some of the city council from our city are  
2 getting money, you think about that. Is that a  
3 legitimate thing to do? Selling, you know, giving money  
4 and you give me your vote? I don't understand. It's  
5 not good going under the table. That's all, thank you.

6 MS. KARPOWICZ: (Translating.)

7 MR. MICHAELSON: We're not going to start  
8 taking comments from the floor, and just for those of  
9 you who didn't know what Ms. Karpowicz was talking about  
10 was that she told her to write down the comments to be  
11 translated in English form for the rest of the panel.  
12 Is there anyone else who has not spoken tonight who  
13 would like to? In fact, I would like the panel to make  
14 any clarifying remarks or closing statements. Thank  
15 you.

16 MR. ANGELO: Before I get to closing, there  
17 were a number of questions that were raised that we  
18 would like to address. I want to focus on the process  
19 questions, though. Those questions that were presented  
20 to us that were mostly of a technical nature. The way  
21 we're looking at that, the way we're interpreting that  
22 question or those questions is that those are things  
23 that we should be looking at when we develop the EIS and  
24 EIR and that's how we intend to do it. I think it is  
25 the proper way to go about it.

Page 71



Thursday, July 29, 2004 FC The Star

Opinion Page Editor: Marianne Ratcliff, 655-5836, letters@VenturaCountyStar.com

Section B, Page 8

## Editorials

# Cozy LNG trip indicates bias

## Proposals require impartial review

Whether liquefied natural gas operations off the Ventura County coast should be approved or not, state officials do little to foster confidence that a final decision will be reached impartially when they take a fact-finding junket that is decidedly one-sided.

That's exactly what happened when four high-ranking state officials took a trip to South Korea and Australia July 8 to 19 to view onshore liquefied natural gas facilities that have long been operated safely.

The excursion, which was partially funded by energy corporations, left no time for officials to talk with environmentalists and community activists opposed to LNG facilities — either in California or in the two countries they visited.

Joining them on the trip were seven energy executives, including Stephen Billiot, vice president of BHP Billiton, an Australian energy company that is proposing to build an LNG port about 21 miles off the Oxnard coast. The group did include one Santa Barbara environmentalist, Susan Jordan, director of the California Coastal Protection Network and co-sponsor of the Statewide LNG Environmental Stakeholder Working Group.

Even more disconcerting is that the four state officials — the governor's Cabinet secretary, secretary of energy, secretary of resources, and head of the state's Environmental Protection Agency — will be briefing Gov. Arnold Schwarzenegger on their findings. The governor has veto power over the licensing of offshore LNG facilities.

### More online

For more information on liquefied natural gas, check out:  
<http://www.crystallenergyllc.com/>;  
<http://www.ingsolution.s.bhpbilliton.com/>;  
<http://www.timrileylaw.com/LNG.htm>;  
<http://www.cfee.net/>;  
<http://www.Rescuebarr.org/owisland.org.au/>;  
<http://www.energy.ca.gov/lng/>;  
<http://www.lngwatch.com/about.html>;  
<http://www.bplong.com/environment/video.asp>

All this is of particular interest to environmentalists and Oxnard officials since the waters off Ventura County's largest city are being eyed by two LNG companies. Besides, BHP Billiton, which wants to build a deep-water port, there is a proposal from Crystal Energy, a Houston-based company, that wants to use an existing oil platform about 11 miles offshore to pipe LNG inland.

Both projects have run into opposition. Oxnard and Malibu city councils are on record opposing the two plans until all concerns about safety are addressed. Community activists have also raised concerns about safety, possible environmental damage and increased chances of terrorist attacks on LNG facilities.

Trip organizers and participants would have been far better served if those with opposing views had been invited.

But, according to Patrick Mason, of the California Foundation on the Environment and the Economy, the group that arranged and helped pay for the trip, there wasn't enough time to locate community or environmental groups. That explanation doesn't wash.

Whether LNG will be part of California's future is a critical issue. There needs to be a diversity of voices, not just those from the industry side. State and energy officials maintain this is just the beginning of a long process and there will be adequate time for public debate about the two LNG proposals.

But this questionable fact-finding trip and comments by Australian Prime Minister John Howard after a June 2 meeting with Gov. Schwarzenegger on behalf of BHP Billiton — that the governor "expressed a keen desire to see our negotiations brought to a successful conclusion, a very keen desire" — taint the process.

State officials need to hear both sides when considering such a complex and important issue. Their trip, which provided only an argument for locating LNG off our coast, does not set well with residents who would live near such a facility. They expect and deserve an objective, fair review of the facts.



Terry Tamminen  
Agency Secretary  
CalEPA



## Department of Toxic Substances Control

1011 North Grandview Avenue  
Glendale, California 91201



Arnold Schwarzenegger  
Governor

December 14, 2004

**RE: SEEKING YOUR RESPONSE ON THE COMMUNITY SURVEY  
FOR THE NORTH SHORE AT MANDALAY BAY  
CLEANUP PLAN**

Dear Community Member:

The Department of Toxic Substances Control (DTSC) seeks your input regarding a proposed soil and groundwater cleanup project at the North Shore at Mandalay Bay Site (formerly the JNJ Disposal Landfill/Carney and Son Landfill), on the northeast corner of Harbor Boulevard and West Fifth Street in Oxnard, California.

Environmental investigations to date confirm the presence of oil field waste including the components of crude oil, drilling mud, solvents, metals, and PCBs in soil at the site. These investigations also show that the groundwater is contaminated with volatile organic compounds including vinyl chloride.

Before a cleanup plan is implemented, further evaluation of the impacted soils and groundwater is being performed under DTSC oversight. The purpose of this extra work is to obtain additional information on which areas of the site will need to be cleaned up.

Your response to the enclosed community survey will enable us to determine the level of community interest, conduct appropriate community outreach activities, and inform you of the project status. Please return the survey by December 23, 2004.

If you have any questions regarding the proposed investigation and cleanup of this site or the attached survey, please call Yvette LaDuke at (818) 551-2909.

Sincerely,

Yvette LaDuke  
Public Participation Specialist

Enclosure - Community Survey

Origin: E&E Website  
Date: 12/17/2004  
First Name: David  
Last Name: Walker  
Address: 384 Nothomb St.  
City: El Cajon  
State: CA  
Zip Code: 92019  
Topic: Other/General Comment  
Comments: I find it interesting that the rest of the world is allowed to rape the earth of its natural resources, but when a project is being considered for the United States, how millionaire Malibu residents all of a sudden become environmentalists. I support the Cabrillo Port. California needs this facility.

G153-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website  
Date: 12/20/2004  
First Name: James  
Last Name: Wall  
Address: 1408 S. Clarkson St.  
City: Denver  
State: CO  
Zip Code: 80210  
Topic: Alternatives  
Comments: I am a firm believer in expanding our domestic energy capabilities while continuing importation of foreign sources of energy. As we retrieve and send our natural gas to California there is a large strain on our natural resources. That needs to be balanced by foreign resources. I understand Cabrillo Port would be a site where we retrieve natural gas from Australia, a key ally of the United States. California would serve this country well by going forward with this option.

G295-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.



Origin: E&E Website  
Date: 12/20/2004  
First Name: Matt  
Last Name: Walton  
Address: 1330 Francisco St.  
City: San Francisco  
State: CA  
Topic: Other/General Comment  
Comments: California has suffered through job losses, a weak economy, an energy crisis and high taxes. What we need are projects like Cabrillo Port that provide energy solutions, jobs for the local communities, tax dollars for the economy while not raising taxes. How can anyone say no to this?

G300-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Name (Please Print): DAVID WARREN

Source:  
Public Meeting - Oxnard PM

Date: 11/30/2004

Organization/Agency: \_\_\_\_\_

Street Address: 1160 COLINA VISTA

City: VENTURA State: CA Zip Code: \_\_\_\_\_

Email address: \_\_\_\_\_

Please provide written comments in the space below and drop this form into the comment box.

**You may also submit comments**

- Electronically through the Project Web site at <http://www.cabrilloport.ene.com>
- Electronically through the Docket Management System Web site (docket number 16877) at <http://dms.dot.gov>.
- Or by mail or email to following addresses:

Docket Management Facility  
Room PL-401  
400 Seventh Street SW  
Washington, DC 20590-0001

California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825  
ogginsc@slc.ca.gov  
Attention: Cy Oggins

**All comments must be received by 2 p.m. PST, December 20, 2004**

Comments (Use other side or attach additional sheets if necessary): \_\_\_\_\_

I support developing new sources of energy for  
the United States. The Cabrillo Port offers  
one promising solution to providing our  
country's energy needs.

No action will be taken until the environmental review process is completed.

G073-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website  
Date: 12/19/2004  
First Name: Sandi  
Last Name: Warren  
Address: 1031 La Noche Dr.  
City: San Marcos  
State: CA  
Zip Code: 92069  
Topic: Air Quality, Biological Resources - Marine  
Comments: Since Cabrillo Port will be located 14 miles out to sea, it seems to me that any air pollution would be kept out at sea. Clearly CA can not handle anymore air pollution on shore. For that matter, natural gas is a cleaner burning gas and won't contribute to our already existing problem. As well, they have chosen to keep the port far enough off shore to protect the marine wildlife. The port will be miles away from protected marine sanctuaries. For these reasons and many more, I see Cabrillo Port as a winning situation for California.

G215-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Origin: E&E Website  
Date: 12/18/2004  
First Name: Gina  
Last Name: Web  
Topic: Air Quality, Alternatives, Land Use  
Comments: Californians use a lot of energy. Because we use a lot of energy, we have poor air quality, decreasing open space, high energy bills and sometimes even experience an energy crisis. We must support the efforts of an air-friendly energy source. As well, since the port will be located off the mainland and beyond the horizon, there are minimal effects in regards to open space. I support the use of alternative energy and conservation. I also understand we need to diversify our resources, but that takes time. It is not going to happen overnight. While we need to be thinking in those terms and moving that way, we also need to be relying on energy that has the least effect on our environment. It amazes me as well that BHP will be powering their boats off natural gas, instead of diesel. I am impressed with this project and support its development. I appreciate your organization taking comments and hope they will each be considered closely. Sincerely, Gina

G166-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.